

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ella Mintz	Team: Squad #12	CCRB Case #: 201900442	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 02/14/2017 1:00 PM	Location of Incident: Inside 63rd Precinct stationhouse	Precinct: 63	18 Mo. SOL 8/14/2018	EO SOL 8/14/2018	
Date/Time CV Reported	CV Reported At: IAB	How CV Reported: In-person	Date/Time Received at CCRB Tue, 01/15/2019 11:19 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Brian Lukowsky	04305	928676	063 DET

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Jaime Santiago	1904	941137	063 DET

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Brian Lukowsky	Force: Detective Brian Lukowsky used a chokehold against § 87(2)(b)	
B.DT3 Brian Lukowsky	Force: Detective Brian Lukowsky restricted § 87(2)(b) breathing.	
C.DT3 Brian Lukowsky	Force: Detective Brian Lukowsky used physical force against § 87(2)(b)	

Case Summary

On December 18, 2018, Sergeant Michael Cappello, of IAB Group 34, interviewed § 87(2)(b) in regards to a criminal corruption case. During the course of that interview, § 87(2)(b) made allegations of force. This case was forwarded to the CCRB on January 15, 2019.

On February 14, 2017, at approximately 1:00PM, § 87(2)(b) was in the cells at the 63rd Precinct stationhouse when Detective Brian Lukowsky, of the 63rd Precinct Detective Squad, approached him to get his fingerprints taken. Det. Lukowsky allegedly placed § 87(2)(b) in a chokehold, restricted his breathing, and punched him several times in the face (**Allegations A, B, C- Force: § 87(2)(g)**).

Although this case was filed after the expiration of the statute of limitations, the case was investigated due to a possible criminal exception to the statute of limitations.

As the CCRB did not receive this case until nearly two years following the incident, all video footage that may have captured this incident from the 63rd Precinct stationhouse has expired. There is no other video footage capturing this incident.

Findings and Recommendations

Allegation A-Force: Detective Brian Lukowsky used a chokehold against § 87(2)(b)

Allegation B-Force: Detective Brian Lukowsky restricted § 87(2)(b) breathing.

Allegation C-Force: Detective Brian Lukowsky used physical force against § 87(2)(b)

During his CCRB interview on April 12, 2019, § 87(2)(b) testified that he was in the cells when Det. Lukowsky and Detective Jaime Santiago, of the 63rd Precinct stationhouse, came into the cell area (Board Review 01). Det. Lukowsky told § 87(2)(b) that he needed to get his fingerprints taken. § 87(2)(b) responded that he would not get his fingerprints taken until he was allowed to make a phone call. § 87(2)(b) then came into the cell and stated, “You think you’re tough. I’m gonna show you tough.” Det. Lukowsky then walked behind § 87(2)(b) and put his forearm around § 87(2)(b) neck and applied pressure, choking him and restricting his breathing in the process. While choking § 87(2)(b) Det. Lukowsky punched § 87(2)(b) with a closed fist two times near his right temple, leaving two bruises and then punched § 87(2)(b) in his right eye. § 87(2)(b) blacked out and spat out blood.

According to the ambulance care report prepared in regards to § 87(2)(b) EMS arrived to the 63rd Precinct stationhouse at 10:27PM on February 14, 2017. § 87(2)(b) told EMS that he was dizzy and nauseous; he denied vomiting or sustaining any trauma. At § 87(2)(b), § 87(2)(b) reported that he had been standing in the 63rd Precinct stationhouse when the room started spinning and he felt like he was going to pass out. § 87(2)(b) started to have a headache and got nauseous; § 87(2)(b) denied sustaining any trauma to his head, abdomen, or chest on the date of examination. An examination yielded no indications of injury. (Privileged Documents).

During his CCRB interview on June 14, 2019, Det. Lukowsky stated that the only physical interaction that he had with § 87(2)(b) was fingerprinting him (Board Review 02). Det. Lukowsky did not recall § 87(2)(b) demeanor when being fingerprinted but stated that he did not recall him being noncompliant. Det. Lukowsky never put his forearm around § 87(2)(b) neck and applied pressure. Det. Lukowsky did not punch § 87(2)(b) in his face. Det. Lukowsky never saw § 87(2)(b) spit out blood. Det. Lukowsky did not recall § 87(2)(b) ever complaining that he used any physical force against him.

Requests for a TRI report, ISAR report, and Medical Treatment of Prisoner Report prepared in connection with this investigation, were all returned with negative results.

§ 87(2)(g)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Civilian and Officer CCRB Histories

- This is the first complaint in which § 87(2)(b) has been a party.
- Detective Brian Lukowsky has been a member of service for 17 years and has been a subject in two CCRB complaints and six allegations, none of which have been substantiated. § 87(2)(g)

Mediation, Criminal, and Civil Histories

- This case was not suitable for mediation.
- On June 19, 2019, a request was submitted to the Office of the Comptroller for any notice of claim filed in regards to this incident (Board Review 03). The results of this request will be added to the case file upon receipt.

- § 87(2)(b)
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date